

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HELENE SIRINAKIS, an infant by her natural mother  
and legal guardian, ANDREA J. SMITH and ANDREA  
J. SMITH, individually,

Plaintiffs,

**AMENDED  
ANSWER**

-against-

Docket No.  
08 Civ. 3033 (SCR)

THE VILLAGE OF PORT CHESTER and POLICE  
OFFICER T. MUNNELLY (ID # 110), Individually,

Defendants.

-----x  
Defendants, by their attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE  
VERVENIOTIS LLP, as and for their answer to plaintiffs' complaint in the above-captioned  
action, set forth as follows:

1. Deny the allegations contained in ¶ "1" of the complaint, and refer all  
questions of law to the Court for adjudication.
2. Deny the allegations contained in ¶ "2" of the complaint, and refer all  
questions of law to the Court for adjudication.
3. Deny the allegations contained in ¶ "3" of the complaint, and refer all  
questions of law to the Court for adjudication.
4. Deny the allegations contained in ¶ "4" of the complaint, and refer all  
questions of law to the Court for adjudication.
5. Deny knowledge or information sufficient to form a belief as to the truth of  
the allegations contained in ¶ "5" of the complaint.
6. Admit the allegations contained in ¶ "6" of the complaint.

7. Deny the allegations contained in ¶ “7” of the complaint, and refer all questions of law to the Court for adjudication.
8. Admit the allegations contained in ¶ “8” of the complaint.
9. Deny the allegations contained in ¶ “9” of the complaint, and refer all questions of law to the Court for adjudication.
10. Admit the allegations contained in ¶ “10” of the complaint.
11. Deny the allegations contained in ¶ “11” of the complaint.
12. Deny the allegations contained in ¶ “12” of the complaint, and refer all questions of law to the Court for adjudication.
13. Deny the allegations contained in ¶ “13” of the complaint, and refer all questions of law to the Court for adjudication.
14. Deny the allegations contained in ¶ “14” of the complaint.
15. Deny the allegations contained in ¶ “15” of the complaint.
16. Deny the allegations contained in ¶ “16” of the complaint.
17. Deny the allegations contained in ¶ “17” of the complaint.
18. Deny the allegations contained in ¶ “18” of the complaint.
19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “19” of the complaint.
20. Deny the allegations contained in ¶ “20” of the complaint.
21. Deny the allegations contained in ¶ “21” of the complaint.
22. Deny the allegations contained in ¶ “22” of the complaint.
23. Deny the allegations contained in ¶ “23” of the complaint.
24. Deny the allegations contained in ¶ “24” of the complaint.

**FIRST CAUSE OF ACTION**

25. As and for a response to the allegations contained in ¶ "25" of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ "1" through "24" of the complaint, as though they were fully set forth herein.

26. Deny the allegations contained in ¶ "26" of the complaint, and refer all questions of law to the Court for adjudication.

27. Deny the allegations contained in ¶ "27" of the complaint, and refer all questions of law to the Court for adjudication.

28. Deny the allegations contained in ¶ "28" of the complaint, and refer all questions of law to the Court for adjudication.

29. Deny the allegations contained in ¶ "29" of the complaint.

**SECOND CAUSE OF ACTION**

30. As and for a response to the allegations contained in ¶ "30" of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ "1" through "29" of the complaint, as though they were fully set forth herein.

31. Deny the allegations contained in ¶ "31" of the complaint, and refer all questions of law to the Court for adjudication.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ "32" of the complaint.

33. Deny the allegations contained in ¶ "33" of the complaint, and refer all questions of law to the Court for adjudication.

34. Deny the allegations contained in ¶ "34" of the complaint.

**THIRD CAUSE OF ACTION**

35. As and for a response to the allegations contained in ¶ “35” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “34” of the complaint, as though they were fully set forth herein.

36. Deny the allegations contained in ¶ “36” of the complaint, and refer all questions of law to the Court for adjudication.

37. Deny the allegations contained in ¶ “37” of the complaint, and refer all questions of law to the Court for adjudication.

38. Deny the allegations contained in ¶ “38” of the complaint, and refer all questions of law to the Court for adjudication.

39. Deny the allegations contained in ¶ “39” of the complaint, and refer all questions of law to the Court for adjudication.

40. Deny the allegations contained in ¶ “40” of the complaint, and refer all questions of law to the Court for adjudication.

41. Deny the allegations contained in ¶ “41” of the complaint.

**FOURTH CAUSE OF ACTION**

42. As and for a response to the allegations contained in ¶ “42” of the complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “41” of the complaint, as though they were fully set forth herein.

43. Deny the allegations contained in ¶ “43” of the complaint, and refer all questions of law to the Court for adjudication.

**FIRST AFFIRMATIVE DEFENSE**

44. Plaintiffs’ complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

45. The claims against defendant MUNNELLY are barred by the doctrine of absolute immunity.

**THIRD AFFIRMATIVE DEFENSE**

46. Plaintiffs cannot demonstrate that they were deprived of rights pursuant to a policy, practice, custom, or procedure of the VILLAGE OF PORT CHESTER.

**FOURTH AFFIRMATIVE DEFENSE**

47. Defendant MUNNELLY had probable cause to take the action he did with regards to plaintiff.

**FIFTH AFFIRMATIVE DEFENSE**

48. Plaintiffs' claim pursuant to 42 U.S.C. § 1985 is barred by the intra-corporate conspiracy doctrine.

**SIXTH AFFIRMATIVE DEFENSE**

49. The claims against defendant MUNNELLY are barred by the doctrine of qualified immunity.

Dated: Mineola, New York  
May 13, 2008

MIRANDA SOKOLOFF SAMBURSKY  
SLONE VERVENIOTIS, LLP  
Attorneys for Defendants

By: 

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